

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: EFIN, PE, BDIS

SUBJECT: EXPROPRIATION CLAIM - AMOTAPE PETROLEUM

1. GEORGE J. PANTOS, ATTORNEY FOR PAUL SCHOPPEL, OWNER OF AMOTAPE PETROLEUM, HAS INFORMED US THAT HIS CLIENT PLANS TO VISIT LIMA WEEK OF OCTOBER 24 TO ATTEMPT TO PRESS CLAIM FOR COMPENSATION FOR PROPERTY EXPROPRIATED IN 1970. THE FIRM OPERATED SEVERAL OIL WELLS IN A CONCESSION AT TALARA. FOLLOWING IS BACKGROUND ON CASE IF SCHOPPEL REQUESTS EMBASSY'S ASSISTANCE.

2. SCHOPPEL, WHO LIVED IN PERU FOR 20 YEARS AND HAS MANY PERUVIAN CONTACTS, BELIEVES THAT RECENT GOP CABINET CHANGES AND MARCONA AGREEMENT BRIGHTEN PROSPECTS FOR SETTLEMENT OF HIS CLAIM, NOTWITHSTANDING THE FACT THAT THE GREENE AGREEMENT CANCELLED THE GOP'S LIABILITY FOR THE EXPROPRIATION HE COMPLAINS OF. THE GREENE AGREEMENT PROVIDED THAT THE GOP COULD SATISFY ALL PENDING AND POTENTIAL CLAIMS BY U.S. NATIONALS AGAINST IT FOR

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EXPROPRIATIONS OR OTHER PERMANENT TAKINGS OCCURRING BETWEEN

OCTOBER 3, 1968, AND FEBRUARY 19, 1974, BY THE PAYMENT OF A SUM OF MONEY TO THE USG. THE USG HAD SOLE RESPONSIBILITY FOR DISTRIBUTING THESE FUNDS, AND IT MADE EVERY EFFORT TO PUBLICIZE THE AGREEMENT SO THAT ALL POTENTIAL CLAIMANTS

MIGHT SHARE. SCHOPPEL ADMITS HE WAS AWARE OF THE AGREEMENT BUT SAYS HE DID NOT MAKE A TIMELY CLAIM TO THE USG BECAUSE HE THOUGHT IT APPLIED ONLY TO LARGE COMPANIES.

3. PANTOS NOW PLANS TO TAKE CLAIM DIRECTLY TO GOP. HIS CLIENT SCHOPPEL WILL PROBABLY ASK FOR \$200,000-\$250,000 AS COMPENSATION FOR TANGIBLE ASSETS AND \$40 MILLION FOR POTENTIAL PROFITS FROM PROVEN RESERVES.

4. THE GOP CAN BE EXPECTED TO RESPOND THAT SCHOPPEL'S CLAIM AGAINST IT WAS CANCELLED BY THE GREENE AGREEMENT AND THAT HE HAS RECOURSE ONLY AGAINST THE USG. WE WOULD HAVE NO CHOICE BUT TO AGREE AND POINT OUT THAT SCHOPPEL HAD ACTUAL NOTICE OF THE CONCLUSION OF THAT AGREEMENT AT THE TIME BUT FAILED TO PRESENT A CLAIM TO THE USG IN ORDER TO PARTICIPATE IN THE DISTRIBUTION OF ITS PROCEEDS. AS THE USG DISBURSED THE MONEY RECEIVED IN ITS ENTIRETY IN DECEMBER 1974, THERE IS NO LONGER ANY FUND AGAINST WHICH SCHOPPEL MIGHT HAVE A CLAIM.

5. LAWYER'S BRIEF, MEMCON, AND OPINION BY L ON CASE BEING POUCHED TO EMBASSY ROBINSON

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